

The Yuma County Board of Adjustment met in a regular session on January 17, 2023. The meeting was held at Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:00 p.m., Chairman Saltzer convened the Board of Adjustment meeting. Board Members present: Tim Eisenmann, Eric Saltzer, Rosalie Lines, Joe Harper and Neil Tucker. Others present: Planning Director Maggie Castro, AICP; Associate Planner Jose Guzman; Deputy County Attorney Minda Davy and PZ Commission Admin Specialist Amber Kelly.

PLEDGE OF ALLEGIANCE: Board Member Neil Tucker led the Pledge of Allegiance.

ITEM No. 4: Elect a Chairman for the Yuma County Board of Adjustment for Calendar Year 2023.

MOTION (Lines/Tucker): To Elect Eric Saltzer as the Chairman for the Yuma County Board of Adjustment for Calendar year 2023.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Saltzer- AYE; Lines- AYE; Harper- AYE.
The motion carried 5-0.

ITEM No. 5: Elect a Vice- Chairman for the Yuma County Board of Adjustment for Calendar Year 2023.

MOTION (Harper/Lines): To Elect Tim Eisenmann as the Vice- Chairman for the Yuma County Board of Adjustment for Calendar year 2023.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Saltzer- AYE; Lines- AYE; Harper- AYE.
The motion carried 5-0.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of December 20, 2022.

MOTION (Eisenmann/Harper): Approve as presented.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Saltzer- AYE; Lines- AYE; Harper- AYE.
The motion carried 5-0.

ITEM No. 6: Variance Case No. 22-12: Gary Cassel requests a variance from the Yuma County Zoning Ordinance, Section 1115.08(B)(1)(a)—Disguised Wireless Communication Facilities, to allow a height of 120 for a monopine tower on a parcel 4.75 gross acres in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 167-22-010, located at 7222 East County 2nd Street, Yuma, Arizona.

Associate Planner Jose Guzman presented the staff report recommending approval of Variance Case No. 22-12 based on:

1. Staff finds there are hardships arising from conditions or circumstances unique to the development of this property.

2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
3. Staff finds this variance will not have a negative impact on the neighborhood.

If the Board of Adjustment approves this variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. The approval of this variance is based on the site plan submitted by the applicant. Any change from the site plan will require approval of a new variance by the Board of Adjustment.

Board Member Eisenmann inquired about the location of the property.

Planning Director Maggie Castro, AICP, explained in detail where the property was located.

Board Member Tucker inquired about MCAS having any comments about the height.

Planning Director Maggie Castro, AICP, stated the property was not in the noise zones.

Board Member Harper inquired if the comment from the Bureau of Reclamation had been addressed.

Planning Director Maggie Castro, AICP, stated staff would provide notification of the application for a building permit prior to permit approval to the Bureau of Reclamation in case they had questions concerning the access.

Board Member Lines inquired if the permit could be denied even if the Board of Adjustment approves the variance.

Planning Director Maggie Castro, AICP, explained the Bureau of Reclamation could not deny the permit. She stated they could have concerns about the proposed access to the property.

Chairman Saltzer opened the public hearing.

James Caciola, 1602 East Submission Lane, Phoenix, Arizona, representative for the applicant, explained the reasons for the height of the pole. He stated the access to the pole would be the same access the residents use to access their home. He stated there would not be lighting on the pole and would assume crop dusters would know there was a new structure.

Board Member Saltzer inquired if there were requirements for the pole to have a white light and red light at night.

Mr. Caciola stated only poles 199 feet or taller require lights. The proposed pole does not require a light.

Board Member Eisenmann inquired about how much taller the pole was from the surrounding trees.

Mr. Caciola stated the pole would be about 45 to 50 feet taller.

Board Member Lines inquired about why couldn't three services go on one 80 foot pole.

Mr. Caciola explained the extra elevation gives much further coverage which gives better capacity in the area that it's covering.

Board Member Saltzer stated there was agriculture in the area with crop planes flying at night. He stated it would be something to considering adding lights to the pole.

Mr. Caciola stated for safety measures they could add lighting.

Planning Director Maggie Castro, AICP, explained the applicant has applied for a Special Use Permit which will be heard on January 24, 2023. She stated lighting for the pole would be a requirement for the Special Use Permit.

Board Member Eisenmann inquired about who would be responsible for repairs if a plane crashes into the pole.

Mr. Caciola stated there is insurance and it would depend on who is at fault and the circumstances of the accident.

Board Member Tucker stated he was concerned that this would be setting a precedence and the requests will continue to come with greater heights and so on.

Board Member Lines stated the staff report indicates there was a 100-foot pole approved in 2008 and 150-foot pole approved in 2015. She stated she understood it consolidates three carries into one pole with a greater radius.

Board Member Harper stated the design of the poles have changed.

Board Member Saltzer inquired about the height of the surrounding electric poles.

Mr. Caciola stated based on the image shown, the electric poles are probably 35 to 40 feet.

There being no one else to come forward, Chairman Saltzer closed the public hearing.

Board Members discussed the concern for the height of the pole and the crop dust planes.

MOTION (HARPER/EISENMANN): Approve Variance Case No. 22-12 to include the recommendations by County staff.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- NAY; Saltzer- AYE; Lines- AYE; Harper- AYE.
The motion carried 4-1.

ITEM No. 7: Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.

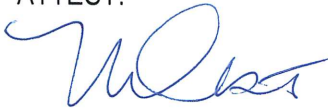
There being no further business to come before the Board, the Chairman adjourned the meeting at 1:22 p.m.

Approved and accepted on this 21st day of February 2023.



Eric Saltzer, Chairman

ATTEST:



Maggie Castro, AICP, Planning Director